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OFFICE OF PETITIONS

In re Application of :
Lee et al. :
Application No. 10/623,436 : DECISION ON PETITION
Filed: 18 July, 2003 :
Atty Docket No. DCS-9158 :

This is a decision on the petition filed on 10 November, 2006, under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is GRANTED.

The application became abandoned on 6 March, 2006, for failure to timely reply to the Notice to File Corrected Application Papers *Notice of Allowance Mailed*, mailed on 3 February, 2006, which set

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

a 30 day period for reply. The filing of the present petition precedes the mailing of Notice of Abandonment. The petition to withdraw the holding of abandonment filed on 20 June, 2006, was dismissed on 11 September, 2006.

Petitioners have filed the requested correction to the specification.

As the issue fee has been paid, the application may issue without the requested correction to the specification. As such, it is suggested that applicants may wish to file a certificate of correction (along with the required \$100.00) fee, to effect the directed correction.

This application is being referred to the Publishing Division for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



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